



February 20, 2002

ENGROSSED HOUSE BILL No. 1221

DIGEST OF HB 1221 (Updated February 19, 2002 10:02 AM - DI 77)

Citations Affected: IC 6-6; IC 14-8; IC 14-9.

Synopsis: Lake and river enhancement fee and fund. Increases the department of natural resources (DNR) lake and river enhancement fee for a boat to \$15. Requires two-thirds of the revenue from this fee to be allocated for the lake and river enhancement fund and one-third of the revenue from this fee to be allocated for the conservation officers marine enforcement fund. Allows DNR to transfer 20% of the funds in the conservation officers marine enforcement fund into the counties with special boat patrol needs fund.

Effective: July 1, 2002.

Adams T, Kruse, Leuck

(SENATE SPONSORS — MEEKS R, CRAYCRAFT)

January 10, 2002, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

January 24, 2002, amended, reported — Do Pass.

January 28, 2002, read second time, amended, ordered engrossed.

January 29, 2002, engrossed.

January 31, 2002, read third time, passed. Yeas 59, nays 31.

SENATE ACTION

February 5, 2002, read first time and referred to Committee on Natural Resources.

February 19, 2002, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

C
o
p
y

EH 1221—LS 6634/DI 22+



February 20, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1221

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-6-11-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) In addition to
3 paying the boat excise tax, a boat owner shall complete a form and pay
4 a department of natural resources fee for each boat required to have
5 boat excise decals. The fee is five dollars (\$5) for each boating year.
6 However, the fee is waived for the boating year in which the
7 registration fee prescribed by IC 9-29-15 is paid for that boat. The
8 revenue from the fees collected under this chapter shall be transferred
9 to the department of natural resources, as provided in section 29 of this
10 chapter.
11 (b) In addition to the boat excise tax and the department of natural
12 resources fee, a boat owner shall pay to the department of natural
13 resources a ~~five~~ **fifteen** dollar ~~(\$5)~~ **(\$15)** lake and river enhancement
14 fee for each boat required to have boat excise decals. The revenue from
15 the lake and river enhancement fee shall be deposited in the **following**
16 **manner:**
17 (1) **Two thirds (2/3) of the money shall be deposited in the lake**

EH 1221—LS 6634/DI 22+



C
o
p
y

and river enhancement fund established by section 12.5 of this chapter.

(2) One third (1/3) of the money shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5.

SECTION 2. IC 6-6-11-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12.5. (a) The lake and river enhancement fund is established **and allocated** for the ~~purpose of~~ **paying following purposes:**

(1) One half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects required by IC 14-32-7-12(b)(7).

(2) One half (1/2) of the fund shall be used by the department of natural resources to pay for lake projects, including projects to:

(A) remove sediment; or

(B) control exotic or invasive plants or animals.

(b) The fund shall be administered by the director of the department of natural resources.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners **and deposited** under ~~IC 6-6-11-12(b)~~ **section 12(b)(1) of this chapter.**

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) With the approval of the governor and the budget agency, **the** money in the fund **allocated under subsection (a)(1)** may be used to augment and supplement the funds appropriated for the implementation of lake and river enhancement projects required by IC 14-32-7-12(b)(7).

SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.160-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

~~(3)~~ **(4)** For purposes of IC 14-9-9, the meaning set forth in



- 1 IC 14-9-9-3.
- 2 ~~(4)~~ **(5)** For purposes of IC 14-12-1, the meaning set forth in
- 3 IC 14-12-1-1.
- 4 ~~(5)~~ **(6)** For purposes of IC 14-12-2, the meaning set forth in
- 5 IC 14-12-2-2.
- 6 ~~(6)~~ **(7)** For purposes of IC 14-12-3, the meaning set forth in
- 7 IC 14-12-3-2.
- 8 ~~(7)~~ **(8)** For purposes of IC 14-13-1, the meaning set forth in
- 9 IC 14-13-1-2.
- 10 ~~(8)~~ **(9)** For purposes of IC 14-13-2, the meaning set forth in
- 11 IC 14-13-2-3.
- 12 ~~(9)~~ **(10)** For purposes of IC 14-19-4, the meaning set forth in
- 13 IC 14-19-4-1.
- 14 ~~(10)~~ **(11)** For purposes of IC 14-19-5, the meaning set forth in
- 15 IC 14-19-5-1.
- 16 ~~(11)~~ **(12)** For purposes of IC 14-20-1, the meaning set forth in
- 17 IC 14-20-1-3.
- 18 ~~(12)~~ **(13)** For purposes of IC 14-20-11, the meaning set forth in
- 19 IC 14-20-11-2.
- 20 ~~(13)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in
- 21 IC 14-22-3-1.
- 22 ~~(14)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in
- 23 IC 14-22-4-1.
- 24 ~~(15)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in
- 25 IC 14-22-5-1.
- 26 ~~(16)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in
- 27 IC 14-22-8-1.
- 28 ~~(17)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in
- 29 IC 14-22-34-2.
- 30 ~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in
- 31 IC 14-23-3-1.
- 32 ~~(19)~~ **(20)** For purposes of IC 14-23-8, the meaning set forth in
- 33 IC 14-23-8-1.
- 34 ~~(20)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in
- 35 IC 14-25-2-4.
- 36 ~~(21)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in
- 37 IC 14-25-10-1.
- 38 ~~(22)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth
- 39 in IC 14-25-11-19.
- 40 ~~(23)~~ **(24)** For purposes of IC 14-28-5, the meaning set forth in
- 41 IC 14-28-5-2.
- 42 ~~(24)~~ **(25)** For purposes of IC 14-31-2, the meaning set forth in



IC 14-31-2-5.

~~(25)~~ **(26)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(26)~~ **(27)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(27)~~ **(28)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(28)~~ **(29)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(29)~~ **(30)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(30)~~ **(31)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-9-8-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.**

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of money from the lake and river enhancement fee paid by boat owners and deposited under IC 6-6-11-12(b)(2). Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

SECTION 5. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. (a) The counties with special boat patrol needs fund is established exclusively to provide grants to certain counties to provide law enforcement services on lakes located within the counties.**

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually



- 1 appropriated to the department and shall be used exclusively for the
2 enforcement of laws pertaining to watercraft on lakes located in
3 counties with special boat patrol needs as described in this chapter.
4 (c) The expenses of administering the fund shall be paid from
5 money in the fund.
6 (d) The treasurer of state shall invest the money in the fund not
7 currently needed to meet the obligations of the fund in the same
8 manner as other public funds may be invested.
9 (e) Money in the fund at the end of a fiscal year does not revert to
10 the state general fund.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "fifteen" and insert "**nine**".

Page 1, line 13, delete "\$15" and insert "**(\$9)**".

Page 1, line 14, after "each boat" insert "**that is sixteen (16) feet or less in length and that is**".

Page 1, line 14, after "decals." insert "**The lake and river enhancement fee for a boat that is required to have boat excise decals is twelve dollars (\$12) if the boat is more than sixteen (16) feet in length.**".

and when so amended that said bill do pass.

(Reference is to HB 1221 as introduced.)

LYTLE, Chair

Committee Vote: yeas 11, nays 1.

C
o
p
y



HOUSE MOTION

Mr. Speaker: I move that House Bill 1221 be amended to read as follows:

Page 1, delete lines 11 through 17, begin a new paragraph and insert:

"(b) In addition to the boat excise tax and the department of natural resources fee, a boat owner shall pay to the department of natural resources a ~~five dollar (\$5)~~ lake and river enhancement fee for each boat required to have boat excise decals **as follows:**

(1) For a boat that is less than sixteen (16) feet in length, seven dollars (\$7).

(2) For a boat that is:

(A) at least sixteen (16) feet in length; and

**(B) not more than twenty (20) feet in length;
nine dollars (\$9).**

**(3) For a boat that is more than twenty (20) feet in length,
twelve dollars (\$12).**

The revenue from the lake and river enhancement fee shall be deposited in the lake and river enhancement fund established by section 12.5 of this chapter."

Page 2, delete lines 1 through 3.

(Reference is to HB 1221 as printed January 25, 2002.)

GRUBB

C
O
P
Y



COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, after "five" insert "**fifteen**".

Page 1, line 13, reset "dollar" in roman type.

Page 1, line 13, after "(\$5)" insert "**(\$15)**".

Page 1, line 14, delete "as follows:" and insert ".".

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 5.

Run in page 1, line 14 through page 2, line 6.

Page 2, line 7, after "in the" insert "**following manner:**".

Page 2, line 7, before "lake" begin a new line block indented and insert:

"(1) Two thirds (2/3) of the money shall be deposited in the".

Page 2, between lines 8 and 9, begin a new line block indented and insert:

"(2) One third (1/3) of the money shall be deposited in the conservation officers marine enforcement fund established by IC 14-9-8-21.5".

Page 2, line 13, delete "third (1/3)" and insert "**half (1/2)**".

Page 2, delete lines 17 through 20.

Page 2, line 21, delete "(3) One third (1/3)" and insert "**(2) One half (1/2)**".

Page 2, line 31, after "owners" insert "**and deposited**".

Page 2, line 32, delete "12(b)" and insert "**12(b)(1)**".

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.160-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

~~(3)~~ **(4)** For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

~~(4)~~ **(5)** For purposes of IC 14-12-1, the meaning set forth in

C
O
P
Y



IC 14-12-1-1.

~~(5)~~ **(6)** For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

~~(6)~~ **(7)** For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.

~~(7)~~ **(8)** For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

~~(8)~~ **(9)** For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

~~(9)~~ **(10)** For purposes of IC 14-19-4, the meaning set forth in IC 14-19-4-1.

~~(10)~~ **(11)** For purposes of IC 14-19-5, the meaning set forth in IC 14-19-5-1.

~~(11)~~ **(12)** For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-3.

~~(12)~~ **(13)** For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.

~~(13)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

~~(14)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

~~(15)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

~~(16)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

~~(17)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(19)~~ **(20)** For purposes of IC 14-23-8, the meaning set forth in IC 14-23-8-1.

~~(20)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(23)~~ **(24)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(24)~~ **(25)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(25)~~ **(26)** For purposes of IC 14-25-12, the meaning set forth in

C
o
p
y



IC 14-25-12-1.

~~(26)~~ (27) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(27)~~ (28) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(28)~~ (29) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(29)~~ (30) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(30)~~ (31) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-9-8-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 21.5. (a) As used in this section, "fund" refers to the conservation officers marine enforcement fund established by this section.**

(b) The conservation officers marine enforcement fund is established. The department shall administer the fund. The department may expend the money in the fund exclusively for marine enforcement efforts associated with recreational boating on Indiana waters, including uses described in IC 14-9-9-5.

(c) The fund consists of money from the lake and river enhancement fee paid by boat owners and deposited under IC 6-6-11-12(b)(2). Money deposited in the fund is annually appropriated and allotted to the department to carry out the purposes of this section. The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the department may transfer from the fund to the counties with special boat patrol needs fund (IC 14-9-9-5) an amount that does not exceed twenty percent (20%) of money deposited into the fund.

SECTION 5. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. (a) The counties with special boat patrol needs fund is established exclusively to provide grants to certain counties to provide law enforcement services on lakes located within the counties.**

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually appropriated to the department and shall be used exclusively for the enforcement of laws pertaining to watercraft on lakes located in

C
o
p
y



counties with special boat patrol needs as described in this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund."

Delete page 3.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Finance.

(Reference is to HB 1221 as reprinted January 29, 2002.)

FORD, Chairperson

Committee Vote: Yeas 5, Nays 3.

C
o
p
y

